

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 13347 OF 2004

Dated 20-09-2005

Between:

The Commissioner, Rajendranagar Municipality, Rajendranagar, R. R.
District.

.....Petitioner.

And:

1. D. Darshan, son of D.Ramesh, aged about 35 years, Occupation : Pump operator,
resident of H.No.8-64, Narsing, Rajendranagar, R. R. District and others.

.....Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner against the order passed in
O.A. No. 4347 of 2003, dated 18-07-2003 by the A.,P. Administrative Tribunal,
Hyderabad.

The writ petitioner is the 1st respondent and respondents-1 to 4 are the applicants
before the Tribunal. The parties will be referred to as arrayed before the Tribunal for
the sake of convenience. Originally, the applicants filed an application in O.A. No.
4347 of 2003 seeking to direct the respondents to absorb them as regular workers
who are presently working in Rajendranagar Municipality and pay the increments
and other benefits etc., The Tribunal disposed of the O.A. at the admission stage,

directing the respondents to consider the claim of the respondents for regularization, within three months, in any one of the Class-IV posts strictly as per rules and as per GO Ms.No.212 M.A., dated 22-04-1994 as already they are understandably not only in continuous service since 1988 but also were given minimum in the time scale applicable to Class-IV employees of course without entitlement for drawal of annual grade increments, earned leave and other benefits till their services are absorbed in regular posts in terms of G.O.Ms.No.212 M.A. dated 22-4-1994 through proceedings No.C/MCR/1266/94 dated 30-06-1995. Aggrieved by the same, the respondents filed the present writ petition.

Heard both sides. We have perused the order impugned and material available on record.

The case of the respondents is that the applicants were engaged as N. M. Rs. and as per G.O.Ms.No.212 M.A., dated 22-4-1994, they have not fulfilled the requirement of completing five years of continuous service as on 25-11-1993 in order to entitle them for regularization of their services and as such, their services have not been regularized for which they filed O.A.No.4347 of 2003 and the Tribunal disposed of directing the 1st respondent to consider the claim of the applicants for regularization. If an opportunity for filing counter was given to the 1st respondent before the Tribunal, it would have been brought to the notice of the tribunal that the applicants were engaged in the year 1990 and as such, they have not completed five years of continuous service as on 25-11-1993 as required in G.O.Ms.No.212 M.A., dated 22-04-1994 to enable them for regularization of their services. Therefore, the order of the Tribunal is erroneous and is liable to be set aside.

The case of the applicants is that they were initially appointed as Pump Operator, Asst. Bore Well Mechanic and Pipe Line Fitter on 01-04-1988 and 01-05-1988. Even though there are regular posts available in the organization and Government formulated a scheme for regularizing their services who are in service on or before November, 1993 and completed more than five years of service, the respondents did not regularise their services.

We have gone through the order impugned. As could be seen from the material available on record, as per the proceedings No:C/MCR/1266/1994, dated 30.6.1995, the applicants were given minimum in the time scale applicable to class IV employees, but without entitlement for drawal of annual increments, earned leave

etc. However, their services have not yet been regularized. The respondents have not contradicted the claim of the applicants by filing a counter before the Tribunal. In this background of the matter, the tribunal is justified in passing the order impunged and We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Justice T. MEENA KUMARI

Date: 20th September, 2005

Justice P. LAKSHMANA REDDY

Dvs/nn

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(Order delivered by the Honourable
Smt. Justice T.Meena Kumari)

Dated 20-09-2005